

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAX DEFENDER LLC and SAVANNAH RECORDS,
LLC,

Plaintiffs,

1:22-cv-6604-GHW

-against-

LINDSAY OTT,

Defendant.

ORDER

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GREGORY H. WOODS, United States District Judge:

On August 8, 2022, the Court ordered Plaintiff to show cause as to why this case should not be dismissed for lack of subject matter jurisdiction no later than August 12, 2022. Dkt. No. 2. Plaintiff did not respond to that order. “If subject matter jurisdiction is lacking . . . , the court has the duty to dismiss the action *sua sponte*.” *Durant, Nichols, Houston, Hodgson & Cortese-Costa P.C. v. Dupont*, 565 F.3d 56, 62 (2d Cir. 2009); see also Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”). Because Plaintiff failed to respond to the Court’s order, Plaintiff has not established that the Court has subject matter jurisdiction in this case. Accordingly, this case is dismissed without prejudice.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: August 15, 2022
New York, New York



GREGORY H. WOODS
United States District Judge

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